OFFICE OF THE CITY MANAGER

NO. LTC # 261-2013

LETTER TO COMMISSIONS

OTY OFFRE'S OFFICE

TO:

Mayor Matti Herrera Bower and Members of the City Commission

FROM:

Jimmy L. Morales, City Manager

DATE:

July 30, 2013

SUBJECT: PARKING CITATION DISMISSALS

As you may know, WPLG – Channel 10 recently issued a report regarding parking citation dismissals. The report references parking citations that were dismissed for residents, visitors/tourists, and public sector employees, including some city employees.

Parking citations may be contested either through an administrative review process at the department level or through the County's Clerk of Courts. The setting of a court hearing to contest a parking citation must be done in person at the County Clerk of Courts Office resulting in two visits (one to request the court date and one to attend the hearing). A common complaint is that it is a bureaucratic process that leads many to just pay the citation because it not worth the time, effort, and resources to contest a low level fine.

The Administrative Review process provides an expedient manner for <u>any citizen</u> (resident, visitor, tourist, or public sector employee) to contest a parking citation. Certainly, those wishing to contest their case through the court system may avail themselves of that process.

There were 163,987 parking citations issued between January 1st and June 30th of this year and there were 767 dismissals for this period. This equates to 0.004% or less than one-half of one percent. The news report failed to mention that the dismissals that were processed contained reasonable justifications, including meter/iPark malfunctions, missed valid permits or receipts displayed on the vehicle, tourists who are unfamiliar with local regulations, and others. In some cases the word "courtesy" appears on the request; however, a reasonable justification for the dismissal is referenced on the request form and/or supporting documentation, including photographs, is provided.

The following is a listing of the respective dismissal categories, their quantity, and a brief description of each:

Categories:	No.	%
1. Customer presented valid permit or pay station receipt:	402	52%
2. Officer input error:	160	21%
3. Meter or iPark malfunction:	63	9%
4. Tourists unfamiliar with local regulations:	48	6%
5. Obstruction of license plate (frame):	31	4%
6. Loading activities (passenger/commercial):	27	3%
7. Public sector employees	26	3%
8. No sign posted:	5 .	1%
9. Victims of Crimes	5	1%
Total:	767	100%

* Notes:

- 1. Over half of all dismissals are permit or pay station receipts that were valid. This includes municipal, residential, and citywide permits, including disabled hang-tags. Dismissals for valid pay stations receipts include customers who were at the pay station attaining a receipt when the citation was issued or a valid receipt was purchased but was inadvertently not displayed. Moving forward, the pay by license plate initiative will address this issue as a receipt will no longer be required to be displayed and payment confirmation will take place electronically, online in real time. 2. Officer input error includes data entry input errors on the handheld citation issuing device. These input errors include license plates, violation codes, vehicle descriptions, and locations. Also, a replacement citation is issued with the corrected information.
- 3. From time to time, single space meters, multi-space pay stations, and iPark devices malfunction. A review and/or inspection are conducted to confirm the malfunction in each case.
- 4. Tourists who visit our city are, at times, unfamiliar with our local parking regulations. Proof of their tourist status is required (airline and/or hotel receipt).
- 5. Obstruction of license plate dismissals is provided upon proof (photo) that the obstruction was removed.
- 6. Loading activity dismissals include passenger or commercial loading is underway and the officer becomes aware of the loading activity after the citation has been issued.
- 7. The following is a detail of the 26 public sector employee requests for administrative dismissals:

U. S. Postal Service employees with valid permit:	2
City employees with valid permit (multiple departments):	19
Police undercover vehicles:	_5
Total:	26

- 8. No sign posted dismissals occur when a sign is missing and/or has an obstructed view.
- 9. Victims of crime dismissals include vehicles that are cited during the course of a crime, including the issuance of a police report.

The dismissal referenced in the news report that was related to the City of Coral Gables employee occurred in October 2012 and it is not included above. This circumstance, along with other potential issues, is addressed below. Moreover, the following additional safeguards are being implemented prospectively to maintain the public trust by promoting transparency; and further strengthening the integrity of both the request for administrative dismissal process and court proceedings:

Requests for Administrative Dismissal

In regards to the circumstances related to the City of Coral Gables employee, the request for dismissal states "courtesy" with no other reference. The dismissal may have been related to one of the aforementioned categories; however, there is no confirmation of the specific category. This is addressed prospectively by requiring public sector employees, including municipal, state, or federal employees, who request an administrative dismissal, to submit their request through their agency's department head, including the justification and their department head's written approval. This also includes City of Miami Beach employees. Requests are reviewed through the chain of command with the written approval of the Assistant Parking Director and Parking Director, as a dual control.

Court Proceedings

Truthful and accurate testimony is critical in upholding any enforcement action. Parking enforcement specialists shall be evaluated and scored on their annual performance with regard to court proceedings, including their demeanor. The following will be required of city employees and it will be transmitted to all employees in the form of a policy

- City employees who receive a uniform traffic citation and/or parking citation, on or off-duty, by either an officer of the City's parking enforcement unit or police department must provide written notification of the citation to the Human Resources Director or her designee, no later than 72 hours after issuance.
- City employees who wish to contest a uniform traffic citation or parking citation must maintain the highest ethical standards and shall neither attempt to nor exert any influence or coercion to the issuing officer or agency to influence, gain favor, and/or perjure the testimony of the issuing officer.
- City employees contesting citation(s) must provide the Parking Director and/or Police Chief with written notification of the date, time, and location of the hearing. This notification must take place 72 hours prior to the hearing (not including weekends or holidays).
- A city employee who has issued a violation to a fellow employee, friend, or family member, and is called upon to provide testimony in a court of competent jurisdiction, shall report any attempts to be influenced, gain favor, and/or perjure their testimony, to the Human Resources Director.
- City employees who act as officers of the court shall not provide testimony in any court proceedings that intentionally and purposefully provides undue favor to friends, family members, or employees of the City.

City employees violating this policy shall be subject to disciplinary action, up to and including termination of their employment with the City.

These safeguards are just another step towards restoring the public trust and addressing any real or perceived conflicts.

C: Patricia Walker, Chief Financial Officer
Kathie Brooks, Assistant City Manager
Mark Taxis, Assistant City Manager
Joe Jimenez, Assistant City Manager
Marcia Monserrat, Special Projects Coordinator
Ray Martinez, Police Chief
Sylvia Crespo-Tabak, Human Resources Director
Saul Frances, Parking Director
Rocio Alba, Assistant Parking Director

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